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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/755,716	01/12/2004	Razmik Hakobyan	1891.2002-001	9774

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EXAMINER

HUYNH, NAM TRUNG

ART UNIT	PAPER NUMBER
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2617

MAIL DATE	DELIVERY MODE
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04/17/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/755,716	Applicant(s) HAKOBYAN ET AL.	
	Examiner NAM HUYNH	Art Unit 2617	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 February 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☐ Claim(s) _____ is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--------------------------------------------------------------------------------------|-------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

This office action is in response to amendment filed on 2/11/2008. Of the previously presented claims 1-11, claim 1 has been amended. In the previous Non-Final Rejection filed on 11/29/2007, claims 1-11 were indicated as allowable if the 35 USC 112 rejections were overcome; however upon further review of the claims the Examiner asserts that the following rejections are proper.

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 1-11 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1 recites the "Unique Address Code (UAC) is represented as binary code, **the information (emphasis added)** is transmitted digitally" and that the "Unique Address Code (UAC) signal is a pilot signal and is continually transmitted during the time interval while **the actual information (emphasis added)** are transmitted on the same clock rate". The claim does not particularly point out or clearly define what "the information" and "the actual information" is. Therefore the following rejections are based on the Examiner's best interpretation of the claim.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1-3 are rejected under 35 U.S.C. 102(b) as being anticipated by Saegusa (US 5,109,393).

Regarding claim 1, Saegusa teaches a method for transmitting and receiving information, which provides the separation of the useful signal from the interference with low Bit Error Rate (BER), comprising: the unique address of the subscriber, also referred to hereinafter as "Unique Address Code" (UAC) (number of a subscriber) (mobile stations identification code) and the unique code used to encode the information "1" bits, also referred to hereinafter as "Encoded Information Group" (EIG) (sync code of a unique format), are assigned to each subscriber's device; the Unique Address Code (UAC) is represented as a binary code, the information is transmitted digitally, each information "1" bit is converted into an Encoded Information Group (EIG) of bits, the Encoded Information Group (EIG) is comprised of a sequence of regularly interchanging "1" and "0" bits (alternating 1's and 0's) with different durations, the number of a subscriber or Unique Address Code (UAC) and the Encoded Information Group (EIG) are unique for each particular subscriber; the Unique Address Code (UAC) signal is a pilot signal (control signal) and is continually transmitted during the time interval while

the actual information is transmitted (12 bit clock recovery); the Unique Address Code (UAC) and the actual information are transmitted on the same clock rate (received on control channel); and the information signal is placed in the Unique Address Code (UAC) and in the time intervals where the Unique Address Code bits have a "0" value (column 1, lines 1-57, column 3, lines 35-43).

Regarding claim 2, Saegusa teaches to initiate a wireless communication, further comprising: the Unique Address Code (UAC) signals and information signals are both transformed to radio signals; and the Unique Address Code (UAC) signals and the information signals are transmitted on the same carrier frequency, various types of modulation PSK, FSK, ASK etc. may be applied (column 2, lines 45-49, signal is decoded).

Regarding claim 3, Saegusa teaches the simplex (one-way) operation comprising: all transmitter devices function in asynchronous transfer mode having the same bandwidth, a clock rate, a Unique Address Code (UAC) and a unique Encoded Information Group (EIG) are assigned to each transmitter device; and the unique Address Code (UAC) and the actual information are simultaneously transferred by all transmitter devices on the same carrier frequency (to initiate a wireless communication) (columns 1-2, lines 60-68, 1-60).

Allowable Subject Matter

5. Claims 4-11 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to NAM HUYNH whose telephone number is (571)272-5970. The examiner can normally be reached on 8 a.m.-5 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, George Eng can be reached on 571-272-7495. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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/George Eng/
Supervisory Patent Examiner, Art Unit 2617

NTH
4/11/08